

1 Rule 8.1. Bar Admission and Disciplinary Matters.

2 An applicant for admission to the Bar, or a lawyer in connection with a Bar admission
3 application or in connection with a disciplinary matter, shall not:

4 (a) Knowingly make a false statement of material fact; or

5 (b) Fail to disclose a fact necessary to correct a misapprehension known by the
6 person to have arisen in the matter; or knowingly fail to respond to a lawful demand for
7 information from an admissions or disciplinary authority, except that this Rule does not
8 require disclosure of information otherwise protected by Rule 1.6.

9 Comment

10 [\[1\]](#) The duty imposed by this Rule extends to persons seeking admission to the
11 ~~b~~Bar as well as to lawyers. Hence, if a person makes a material false statement in
12 connection with an application for admission, it may be the basis for subsequent
13 disciplinary action if the person is admitted, and in any event may be relevant in a
14 subsequent admission application. The duty imposed by this Rule applies to a lawyer's
15 own admission or discipline as well as that of others. Thus, it is a separate professional
16 offense for a lawyer to knowingly make a misrepresentation or omission in connection
17 with a disciplinary investigation of the lawyer's own conduct. ~~This Paragraph (b) of this~~
18 Rule also requires [correction of any prior misstatement in the matter that the applicant](#)
19 [or lawyer may have made and](#) affirmative clarification of any misunderstanding on the
20 part of the admissions or disciplinary authority of which the person involved becomes
21 aware.

22 [\[2\]](#) This Rule is subject to the provisions of the Fifth Amendment of the United
23 States Constitution and corresponding provisions of state constitutions. A person relying
24 on such a provision in response to a question, however, should do so openly and not
25 use the right of nondisclosure as a justification for failure to comply with this Rule.

26 [\[3\]](#) A lawyer representing an applicant for admission to the ~~b~~Bar, or representing a
27 lawyer who is the subject of a disciplinary inquiry or proceeding, is governed by the
28 rules applicable to the client-lawyer relationship, [including Rule 1.6 and in some cases](#)
29 [Rule 3.3](#).